



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-305770-19

Strategic Housing Development

217 residential units and associated site works.

Location

Lands within, and to the rear of, the Crann Ard and Glencarra Estates, Fethard Road, Ardgeeha Upper, Clonmel, Co. Tipperary.

Planning Authority

Tipperary County Council.

Applicant

Crann Ard Developments Ltd.

Prescribed Bodies

1. Irish Water
2. The Minister for Culture, Heritage and the Gaeltacht
3. The Heritage Council
4. An Taisce

5. Transport Infrastructure Ireland
6. HSE
7. Tipperary County Childcare
Committee

Observer(s)

1. Bernard and Rosie Cunningham
2. Bridget Purcell
3. Deirdre O'Shea and Michael
Kiely
4. John O'Connor
5. Willie McGarry

Date of Site Inspection

5 December 2019.

Inspector

Stephen Rhys Thomas.

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The subject site, which has a stated area of circa 5.9 hectares, is located approximately 2km to the north of Clonmel, Co. Tipperary. It comprises three individual parcels of land. Access to the three parcels of land is through the existing Crann Ard residential development. Crann Ard estate is accessed directly from the R689, that links Clonmel with Fethard to the north. The R689 is a regional road with good cycle and footpath facilities on either side of the carriageway.
- 2.2. The overall application area comprises three individual sites identified as Plot A1 at the front of the existing estate and adjacent to the R689. Plot A2 at the mid portion of Crann Ard and Plot B located to the west. Each plot is different in character, but all are easily accessed from existing street infrastructure. Firstly, Plot A1 is a rectangular shaped site, mostly level and essentially the balance of mixed use lands at the entrance of the estate. A creche, dance studio and other uses are located in existing buildings at this location. Plot A2 is a fairly level site situated to the rear of existing one-off housing that runs along a minor country road to the north, not part of Ard Crann. Plot A2 comprises land that is adjacent to existing open space, but the character of the land for the most part is overgrown and casually fenced off with timber post and rail fencing. Plot B is located to the west of the estate and these lands rise significantly upwards from existing house boundaries and streets. Level changes and slopes are the main characteristics of Plot B.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the construction of 217 residential units, ranging in height from 1 to 4 storeys. The following details are as follows:

Parameter	Site Proposal
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Application Site	5.9 ha
No. of Units	217 112 houses 105 apartments (including duplex units and 36 assisted living units)
Unit Breakdown	2 – four bed houses 83 – three bed houses 27 – two bed houses 26 – one bed apartments 61 – two bed apartments 18 – three bed apartments
Other Uses	None
Car Parking	378 (47 at basement)
Bicycle Parking	242 spaces
Vehicular Access	Single access point from the R689.
Part V	22 units
Density	37 units/ha

3.2. The breakdown of unit types is as follows:

Unit Type	1 bed	2 bed	3 bed	4 bed	
Unit	26	88	101	2	217
% Total	12%	40%	47%	1%	100%

The Step Down Housing/Assisted Living facility includes a community room, concierge office, laundry room, storage and mobility equipment storage. The development also includes the extension of existing streets and the provision of additional public open spaces.

4.0 Planning History

4.1.1. Subject Site

00/1423 Permission Granted for Phase 1 of housing development comprising 101 residential units

04/1175 Permission Granted for Phase 2 housing scheme, which includes housing and commercial development, consisting 110 houses

06/1317 Permission Granted for 94 houses

07/1627 Permission Granted for 12 houses

07/1636 Permission Granted for 20 houses in lieu in 15 houses approved under Ref. 04/1175

07/191 Permission Granted for stairwell to side of commercial building

07/431 Permission Granted for mixed use development consisting of 6 retail units, a restaurant, 13 apartments, 4 duplex units and 3 offices, together with associated site works

4.1.2. Adjoining Lands

07/1572 Permission Granted to demolish a house and construct two houses on lands north of Plot B

06/316 Permission Consequent on grant of Outline Permission for three dwellings on lands to north of Plot B

5.0 Section 5 Pre-Application Consultation

5.1. A section 5 pre-application consultation took place at the offices of Tipperary County Council, Clonmel on the 12 April 2019 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP- 303843 -19. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

1. Design and Layout

Revisit the arrangement and hierarchy of streets; configuration of the layout; connectivity with adjoining lands; provision of quality, usable open space and the creation of character areas within a high-quality scheme in the context of relevant guidelines.

2. Density

Look again at the residential density in the proposed development, in particular in relation to Plot C. This reconsideration should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) in relation to such Outer Suburban/Greenfield sites. Particular regard should be had to the need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Clonmel and its established social and community services. Density revisions may result in layout changes.

5.2. The prospective applicant was advised that the following specific information was required with any application for permission:

1. A detailed phasing plan for the proposed development
2. An open space plan, that incorporates existing and proposed public open spaces.
3. Additional details in relation to surface water management for the site and Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.
4. Additional details and justification for the proposed development in relation to roads, access and circulation, having regard to the report of the Transportation Division of the planning authority as detailed in section 3 of their Opinion.
5. Cross-sections/CGIs/visualisations/contiguous elevations and any other information deemed relevant, showing the proposed development relative to existing residential development in the Crann Ard estate and on adjacent lands.
6. Ecological Survey of existing trees and hedgerows which clearly identifies all trees/hedgerows proposed for removal

7. Details of proposed materials/finishes
8. Waste management details
9. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
10. A site layout plan and associated written details, in tabular form, which clearly outlines the planning history for the subject site and which indicates, inter alia, what permissions, or parts thereof, have been implemented to date
11. A Building Lifecycle Report, as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018)
12. A schedule of floor areas for all proposed units
13. Site Specific Construction and Demolition Waste Management Plan

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

- Irish Water
- The Minister for Culture, Heritage and the Gaeltacht
- The Heritage Council
- An Taisce
- Transport Infrastructure Ireland
- HSE
- Tipperary County Childcare Committee

5.4. Copies of the Inspector's Report and Opinion are on file for reference by the Board. A copy of the record of the meeting is also available on file.

5.5. Applicant's Statement

5.5.1. Under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the applicant has

submitted a statement of the proposals included in the application to address the issues set out in the notice, as follows:

Design and Layout

- 5.5.2. The applicant has addressed the issue of design and layout under the following headings: arrangement and hierarchy of streets, configuration of the layout, connectivity with adjoining lands, provision of quality and usable open space, and the creation of character areas. In addition, architect's drawings and landscape drawings illustrate amendments made in response to these issues.
- 5.5.3. In summary the road hierarchy has been laid out under the principles set out by DMURS, the main spine street is 5.5 metres wide, together with design characteristics to ensure low vehicle speeds. The street layout aligns with existing desire lines providing connections between Glencarra Grove and Crann Ard and Plot B continuing the existing roads leading from both Glencarra Drive and Glencarra Lawn. Onward connections to existing and developed lands have been included in the revised design. Existing open spaces have been designed to link up with proposed spaces and each plot has its own dedicated usable open space. Five character areas have been defined and relate to the built form and location of each plot.

Density

- 5.5.4. The applicant states that Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009) promote and encourage higher densities where appropriate, noting that for outer suburban and greenfield sites in cities and larger towns, net residential densities in the range of 35 to 50 units per hectare (uph) should generally be encouraged.
- 5.5.5. Following the pre-application consultation, the design proposals were revised in the context of the issues noted above. The density of the proposed development has increased from 27 uph to 36.73 uph, by increasing the proposed unit numbers from 162 to 217. This has been achieved by the introduction of apartment and duplex units in Plot B, whilst Plot A1 and A2 to remain largely the same as before.
- 5.5.6. The applicant has also submitted a statement of material contravention with reference to residential density, though not advertised in the public notices. The

applicant states that the proposed development density of 36.73 units per hectare is not considered to be a material contravention to the Clonmel and Environs Development Plan 2013, however, should the Board consider it appropriate a justification of the proposed number of residential units and density has been set out.

- 5.5.7. The development plan provides guided density for residential development, that states ‘densities achieved on any site will be influenced by location, topography, design, layout, housing type and mix etc’. The density standard set for the Fethard Road, where the proposed development is located is 17/ha (7/acre). The density proposed by the applicant aligns with national guidance in relation to the sustainable use of zoned and serviced land and this is the justification advanced by the applicant for higher residential densities than that guided by the planning authority.

6.0 Relevant Planning Policy

6.1. Project Ireland 2040 - National Planning Framework

The National Planning Framework also includes a specific objectives to do with homes and communities, Chapter, No. 6, entitled ‘People Homes and Communities’. It includes 12 objectives among which:

Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Chapter 4 of the Framework addresses the topic of ‘making stronger urban places and sets out a range of objectives which it is considered will assist in achieving same, Objective 13 provides that in urban areas, planning and related standards,

including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

6.2. **Section 28 Ministerial Guidelines**

6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- ‘Urban Development and Building Heights - Guidelines for Planning Authorities’ – (2018).
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (March 2018)
- ‘Design Manual for Urban Roads and Streets’
- ‘Childcare Facilities Guidelines for Planning Authorities’
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)

6.3. **Local Policy**

The South Tipperary County Development Plan 2009-2015, as extended, is the operative County Development Plan.

Clonmel and Environs Development Plan 2013

Zoning:

Plot A1 and A2 of the application site are zoned 'Residential' which seeks to 'preserve and enhance existing residential amenity including avoiding excessive overlooking, reduction in general safety and the reduction in the general usability and security of existing public and private open space

Part of the application site (location of Plot B) is zoned 'New Residential', which seeks to 'provide for new residential development'.

Chapter 6 relates to Housing

Lands at Fethard Road (41.5 ha) have a specified density of 17 units/ha

Chapter 5 relate to Infrastructure

7.0 Third Party Submissions

7.1. A number of observations were received, and most refer to similar issues such as overdevelopment, residential amenity, traffic and transport, impact on overstretched services/infrastructure and the adverse impacts of raising ground levels. All submissions opposed the development, and the local resident's association included a signed petition with their submission, together with photographs. A summary of each issue, follows:

7.1.1. Overlooking, overshadowing

Proposed houses at a higher level within Plot B will result in overlooking of existing property along the northern boundary of the site. At other locations, the proximity of new dwellings and the interaction of gradient will result in overlooking issues.

Overlooking issues and impact to light are also highlighted along the boundary with housing to the north of the site, where the site levels are proposed to be raised.

7.1.2. Traffic

The increase in the volume of traffic from the proposed development will lead to traffic congestion and lead to accidents.

7.1.3. Overdevelopment

The number of units and residential density proposed will lead to overdevelopment of the overall site with the scale of some house types/apartments being out of character

with existing housing. Residential densities should accord with the local plan. There will also be problems with the sewerage system, that will become overloaded and has experienced significant problems in the past. The local pumping station from which a number of houses are served, frequently fails and results in water backing up and flooding property.

7.1.4. Surface water

Given the site levels and drainage details, it is a concern of residents to the north of the site that substantial amounts of surface water run-off will end up on their property.

8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 20 December 2019. The report states the nature of the proposed development, the site location and description, planning history, submissions received and details the relevant Development Plan policies and objectives. The report also included a summary of the views of the elected members of the Clonmel Borough Municipal District Committee, meeting held on the 20th (month and year not stated). The main issues to come out of the meeting revolved around roads in the context of capacity issues for the N24 and R689, the proposed residential density of 37 units per Hectares is in excess of that outlined in the Clonmel Environs Plan.

8.2. The following is a summary of key planning considerations raised in the assessment section of the planning authority report:

8.2.1. Principle of Development

The site is located on lands zoned for residential purposes, the proposed residential development is acceptable.

8.2.2. Design Considerations

Layout, Design and Density – concerns are raised in relation to the layout of each plot. Plat A1 is acceptable. In terms of plot A2, proposals to raise ground levels will impact upon the residential amenity of houses. The open space associated with the north eastern corner of plot A2 is not acceptable for a number of reasons. Plot B,

introduces apartment buildings on the highest part of the overall site and out of character with existing two storey housing. This is not in accordance with recent building height guidelines that advise taller buildings can be appropriate if larger buildings, parkland or water bodies are close by. The open space associated with plot B is fragmented and sloped, with large amounts of retaining walls along footpaths and parking areas. The level difference between houses 11-31 and 60-75 is 6 metres and this has impacts for amenity and versatility. Gable wall separation distances below 4 metres will hamper future maintenance and units 1-4 overlook an existing property to the north.

Housing Mix – housing comprises a mixture of 1 to 4 bedrooms and is acceptable.

Open Space – the proposed open space amounts to 13.7% of the total site area and this is below that set by the development plan (15%). In addition, some of the open spaces are marginal and have limited functionality.

Apartment blocks/duplex units – the standards have been met in relation to floor areas and amenity associated with apartment units.

Residential amenity adjacent dwellings – properties to the north of the site along L-32792 will be impacted upon by units 1-4 (Plot B) and 1-18 (Plot A2), single storey units are preferred at these locations.

Childcare facility – the existing creche (Stepping Stones) at Crann Ard has some capacity and the construction of an additional facility is not warranted.

Services – traffic generated by the development will cause problems at the existing junction from the Fethard Road, a mini-roundabout is required together with a special contribution. The amount of car parking spaces proposed (378) are acceptable.

The existing pumping station serving the area takes on additional surface water and results in surcharging to upstream properties. Crann Ard Developments have intervened to sort these issues out, but many issues remain unresolved due to surveying difficulties.

Surface water details require clarification with regard to infiltration trenches/soakaways in private property and this is not acceptable for taking in charge purposes. Flood risk is not an issue for this site.

Archaeology – the archaeology impact assessment is noted, no further action necessary.

Part V – details are noted.

Taking in Charge – the estate is not taken in charge, works are ongoing to achieve an appropriate standard, pumping station requires upgrades.

Development Contributions and Bond – the rate of contribution is provided, a special contribution is requested (€125,000) for a new mini-roundabout and a bond for completion.

8.3. Overall Conclusion

The planning authority recommend that permission is granted subject to 21 conditions. Conditions of note include:

Condition 2 – amended plans to show the omission of apartment block H and duplex block K1, greater separation distance between the rear elevations of units 11-31 and 60-75 with regraded rear gardens and dwelling units 1-4 (Plot B) and 1-18 (Plot A2) to be omitted.

Condition 3 – the construction of a mini-roundabout on the Fethard Road.

Condition 13 – seeks alternate surface water management proposals for sites 1-18 in Plot A2.

Other conditions are standard in nature and relate to the technical requirements of the planning authority.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

- Irish Water
- The Minister for Culture, Heritage and the Gaeltacht
- The Heritage Council
- An Taisce

- Transport Infrastructure Ireland
- HSE
- Tipperary County Childcare Committee

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 24 October 2019, and a summary of comments are included as follows:

- **Irish Water (IW)** - Based upon the information submitted and the Confirmation of Feasibility, that subject to a valid connection agreement being put in place the proposed development can be facilitated.
- **Transport Infrastructure Ireland TII** – have regard to chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines.
- **Minister for Culture, Heritage and the Gaeltacht (DAU)** – Nature Conservation: the site is located near to the Lower River Suir candidate Special Area of Conservation (cSAC) (Site code 2137), and development runoff and wastewater will, after attenuation and WWTP treatment, be discharged into the River Suir. The Screening for Appropriate Assessment does not describe sufficiently, or cross reference, the discharge points for the WWTP and storm water runoff, and how these will be treated, in combination with other discharges from the town, in order to meet the conservation objectives of the cSAC. It is recommended that the Screening for Appropriate Assessment is revised to take these points into account.
- **Health Services Executive** – comments are listed under the headings of construction phase, recreational space, smarter travel/cycle policy, housing diversity, sustainable future and waste management. Best practice and suggestions are listed that could be incorporated as standard conditions.

10.0 Environmental Impact Assessment

10.1. The applicant has submitted an EIA Screening Report. The proposed development is below the thresholds of a mandatory EIAR. It is also considered that a sub threshold EIAR is not required in this instance. I refer the Board to the EIA Screening Determination on file.

10.2. The current proposal is an urban development project that would be in the built up area but not in a business district. It is, therefore, within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an Environmental Impact Assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares.

Construction of more than 500 dwelling units

Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

10.3. The proposal is for 217 residential units on a site of 5.9ha. The site area is significantly below the stated threshold of 10 hectares and the number of units significantly below the threshold of 500 units.

10.4. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is, therefore, precluded and a screening determination is not required.

11.0 Appropriate Assessment

11.1.1. I note the Screening for Appropriate Assessment Report submitted by the applicant, dated October 2019. The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. The site is not

immediately connected to any habitats within European sites. The report states that as there is no pathway between the proposed development and any designated site, an impact cannot occur. The detail of three designated sites in the vicinity is as follows:

Name of site	Site Code	Distance km
Comeragh Mountains SAC	1952	13.0
Nire Valley woodlands SAC	0668	11.9
Lower River Suir SAC	2137	2.6

The Qualifying Interests for these SACs are listed below.

Comeragh Mts

Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110]

Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]

Northern Atlantic wet heaths with *Erica tetralix* [4010] European dry heaths [4030]

Alpine and Boreal heaths [4060]

Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*) [8110]

Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] *Drepanocladus vernicosus* (Slender Green Feather-moss) [1393]

Nire Valley Woodlands

Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]

Lower River Suir

Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330] Mediterranean salt meadows (*Juncetalia maritimi*) [1410]

Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]

Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]

Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]

Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]

Taxus baccata woods of the British Isles [91J0]

Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] *Austropotamobius pallipes* (White-clawed Crayfish) [1092] *Petromyzon marinus* (Sea Lamprey) [1095]

Lampetra planeri (Brook Lamprey) [1096] *Lampetra fluviatilis* (River Lamprey) [1099] *Alosa fallax fallax* (Twaité Shad) [1103] *Salmo salar* (Salmon) [1106]

Lutra lutra (Otter) [1355]

11.1.2. The Screening Report states that there is no pathway between the proposed development and the designated sites. There will be no loss or disturbance of habitats or species. There will be no loss or disturbance through indirect methods given the separation distance between sites. The report states that the construction phase will involve extensive earth works which can result in sediment or toxic substances such as concrete, oils, fuels etc. entering water courses. However, there are no such water courses near the site and so the risk of pollution is low.

11.1.3. The Screening for Appropriate Assessment Report submitted by the applicant, ultimately concludes that significant effects are not likely to arise either alone or in combination with other projects that would result in significant effects to any SPA or SAC. I note the urban location of the site, the limited possibility of direct connections with regard to the source-pathway-receptor model in terms of hydrological connections and the nature of the development. I also note the concerns raised by the Minister for Culture, Heritage and the Gaeltacht (DAU) with respect to the information contained in the AA Screening report. The DAU note the location of the site and the fact that wastewater will, after attenuation and WWTP treatment, be

discharged into the River Suir (cSAC). The DAU state that the Screening for Appropriate Assessment does not describe sufficiently, or cross reference, the discharge points for the WWTP and storm water runoff, and how these will be treated, in combination with other discharges from the town, in order to meet the conservation objectives of the cSAC. The DAU recommend that the Screening for Appropriate Assessment is revised to take these points into account.

- 11.1.4. Having regard to the AA Screening Report and to the Ecological Survey of existing trees and hedgerows, I note that the development site is not immediately connected to any habitats within the above listed additional European sites in a 15 km radius and that there are no known indirect connections to these European Sites. No mobile fauna species for which the European Sites are designated are known to use the habitats within the development site. I note the urban location of the site, the lack of direct connections with regard to the source-pathway-receptor model, the intervening distances between the development site and the above designated sites and the nature of the development. I am satisfied on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites within 15 km of the development site that are not hydrologically connected to the development site and that, in view of their Conservation Objectives, a Stage 2 Appropriate Assessment can be ruled out.

11.2. Potential Effects on Designated Sites Within 3 km of Development Site

- 11.2.1. With reference to the points raised by the NPWS, the AA Screening Report notes possible effects on the Lower River Suir SAC because it is the ultimate destination for local drainage water and so there is a potential link. The conservation objectives of this site are outlined and the possible effects examined. The possible effects are limited to construction activity, which in any case are limited to the locality and most unlikely to have an impact upon the Lower River Suir SAC because there is no hydrological link.
- 11.2.2. The NPWS are correct insofar as the AA Screening Report does not provide any detailed information on the treatment of wastewater for the municipal area of Clonmel. I cannot be sure about the condition of the treatment plant, the current

organic loading or capacity to accept any increases, nor do I know if the plant is in compliance with the emission standards set under the Urban Wastewater Treatment Directive. Although I note that the Wastewater Discharge Licence (D0035-01) Annual Environmental Report for 2013 available from Tipperary County Council states that the plant has a design capacity of 80,000 pe with a pe loading at that time of 30,825. I cannot be certain about the status of the riverine water in the SAC or that the discharge from the wastewater treatment plant does not have an observable negative impact on the water quality status. However, I do know that Irish Water have confirmed that there are no capacity problems and the development can be served by existing water services. In addition, I note that the site synopsis for the SAC states that land use at the site consists mainly of agricultural activities including grazing, silage production, fertilising and land reclamation. The grassland is intensively managed, and the rivers are therefore vulnerable to pollution from run-off of fertilisers and slurry. Several industrial developments, which discharge into the river, border the site including three dairy related operations and a tannery. Municipal wastewater treatment plants are not highlighted for mention as a risk to water quality.

11.2.3. Secondly, the NPWS are concerned at the lack of information with respect to development run-off, after attenuation and WWTP treatment, before discharge to the River Suir. In this instance, I note the surface water management of the site proposed by the applicant and ultimate connection of the site to the existing municipal sewer network. The applicant proposes a combination of on site in-curtilage soakaways, on site attenuation and discharge to the public municipal sewer network via the existing surface water system. There is nothing unusual in the surface water management of the site and the development run-off ultimately flows via the public sewerage system to the municipal treatment plant.

11.2.4. On balance, I am satisfied that the scope and range of information submitted in the applicant's screening report is sufficient to issue a screening determination. There is a linkage between the development run-off and wastewater produced by residential units and the River Suir via the public wastewater network but that linkage is punctuated by a municipal wastewater treatment plant. The limited scale of the development in the context of the existing municipal area of Clonmel and the fact that the wastewater treatment plant is subject to a Wastewater Discharge Licence

enables me to conclude that the effects if any from the proposal before the Board are not likely and not significant.

11.2.5. It is therefore reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

12.0 Assessment

12.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan. In addition, the assessment considers and addresses issues raised by the observations on file, under relevant headings. The assessment is therefore arranged as follows:

- Principle of Development
- Design and Layout
- Residential Amenity
- Traffic and Parking
- Infrastructure
- Conclusion

12.2. Principle of Development

12.2.1. Zoning - The subject site is located across residentially zoned lands north of Clonmel Town, that are detailed in the Clonmel and Environs Development Plan 2013. Plot A1 and A2 of the application site are zoned 'Residential' which seeks to 'preserve and enhance existing residential amenity including avoiding excessive overlooking, reduction in general safety and the reduction in the general usability and security of existing public and private open space. Part of the application site (location of Plot B) is zoned 'New Residential', which seeks to 'provide for new residential development'.

12.2.2. The proposed development comprises residential units and a step down/assisted living care facility and so therefore accords with the zoning objective for the lands concerned. The provision of residential development is considered acceptable in principle on the site and generally in accordance with the zoning objectives for the area.

12.2.3. Density - The density of the development proposed is 36.8 units per ha. This has been calculated on the basis of 217 units on a site of 5.9 ha as the developable area. The calculation of the density is considered acceptable. The guidelines advocate a

net density in the range of 35 to 50 units per hectare on outer suburban greenfield lands. Having regard to the prevailing character of the site and the pattern of development in the vicinity, the proposed density of 36.8 units per ha is considered acceptable.

12.2.4. The Board should be aware however, that I have some concerns regarding the overall layout of the development and how the scheme has been designed to achieve the required density ranges. This is discussed further in section 12.3 below.

12.2.5. As detailed in section 5 above, the notice of pre-application consultation opinion issued by the Board (without prejudice), specifically required the applicant to review the site layout plan in order to achieve a higher density of development across the site. I note the concerns raised by a number of the observers, that the density is too high and that the development should be of lower density, akin to the character of the development previously permitted on the site, detailed in the planning history section above. It is considered however, that to develop the lands at a lower density would represent an inefficient use of zoned serviced land within easy reach of Clonmel town centre. A lower density would be contrary to national guidance and would not be in accordance with the proper planning and sustainable development of the area.

12.3. **Design and Layout**

12.3.1. The proposed development will effectively finish off an existing housing estate by the utilisation of road infrastructure already in place and to some extent existing building lines. There are some departures from the existing grain and character of Crann Ard and Glencarra and these present the basis for the concerns raised by local observers. There are two different characters to the overall site, Plots A1 and A2 are located on land that is generally level with the existing road network and open spaces, and mostly flat in appearance. Both these plots are designed to read as a logical extension to the grain and pattern of the existing estate. Plot B is located on lands that are not level and where changes in height and gradient play a significant role in the design and layout of this area.

12.3.2. In terms of Design and Layout the Board's Opinion advised the applicant (without prejudice) that the proposed scheme required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.

Specifically, with regard to Plot C, now Plot B, and concerning the arrangement and hierarchy of streets; configuration of the layout; connectivity with adjoining lands; provision of quality, usable open space and the creation of character areas. The revised layout now before the Board departs from the former scheme in a number of different ways that include; the insertion of an apartment block and duplex unit in place of houses and open space at the southern section of Plot B and the replacement of houses with duplex units at the northern portion of Plot B. Other changes include; a more extensive street network, smaller and fragmented public open spaces and large amounts of surface car parking.

- 12.3.3. Dealing with each plot in turn, Plot A1 comprises a 36 unit step down/assisted living facility over three storeys in an 'L' shaped plan. This building provides good opportunities to overlook the main access street and the Fethard Road to the east. The form and scale of this building provides a good bookend to the existing commercial buildings at this location and I see no major design issues with this portion of the overall scheme.
- 12.3.4. Plot A2 comprises 35 houses arranged along Glencarra Avenue. Along the northern side of the avenue are located house types 'D' and 'D1', these are two storey semi-detached houses with rear gardens of on average 11 metres in depth. There are large houses on substantial gardens to the north of Plot A1 and home owners along this road fear loss of privacy and overshadowing as a result of the proposed houses. The separation distances between new and proposed houses are all in excess of 30 metres and all the windows at first floor that light landing and bathrooms are proposed to be of obscured glazing. Additionally, some observers have noted a change in levels between proposed houses along Glencarra Avenue and their own gardens which will now be lower. Even with a moderate change of level, I do not anticipate any loss of residential amenity to existing residents located to the north of Glencarra Grove, due to the scale and design of houses proposed, and because the lengthy separation distances involved are acceptable.
- 12.3.5. Blocks 2 and 3, located south of Glencarra Avenue abut existing houses to the west and south, together with the production of a new public open space. Block 2 is a terrace of houses that align with existing houses to the west and Block 3 turns a corner to face Public Open Space 1. There is a level difference between the rear parking court of large three storey dwellings along Crann Ard to the south, Crann Ard

is higher and a retaining wall and gabions are in place. Blocks 2 and 3 will plug into to this level change, section 2-2 through the site (drawing number 1573-PA-011), shows me that there is a level difference of 1.83 metres and garden depths are greater than 11 metres, this is acceptable.

12.3.6. At the western end of Glencarra Grove a similar set of circumstances pertain, insofar as a retaining wall provides a boundary to existing housing to the west at Glencarra Lawn. A terrace of three units and a semi-detached unit of two dwellings are located here, rear garden depths fall to 8.7 metres in places and I note that units 22 and 23 have no in-curtilage car parking, instead parking spaces are proposed across the street. On the whole the layout associated with Plot A1 and A2 is acceptable. Public Open Space 1 is satisfactory and adjoins and extends existing public open space to the south. The street layout remains largely unaltered and the house types proposed are not extraordinary in terms of scale and orientation. I note the concerns raised by the planning authority in relation to Public Open Space 2, it is marginal, poorly configured and not well overlooked. It is a difficult space to reconfigure, however, a simple solution would be to locate a house design on site 1 that has an active frontage and provides passive supervision opportunities across the space. The applicant has not utilised any house design that performs a dual front/side frontage to turn corners and therefore a new house type would be required here along the lines of house type G minus the flanking boundary wall.

12.3.7. Finally, Plot B comprises 146 residential units arranged as bungalows, semi-detached houses, terraced houses, duplex apartments and an apartment block. This plot is the most problematic part of the overall scheme and an area that has not been satisfactorily resolved. Plot B is located on a part of the overall site that is characterised by significant slopes and gradients, this is also the highest part of the site and has wide ranging views of the surrounding countryside. The layout drawings, elevations and site sections provided by the applicant are mostly satisfactory for the purposes of assessing this part of the site.

12.3.8. Starting with the areas where there are resolvable issues in terms of layout, units 76 to 110, that align the southern access street are broadly acceptable. I note a cross section does not run through at a perpendicular to section 4-4 (drawing number 1573-PA-015) but given my observations of the site and the existing level differences, I am satisfied that the relationship between units 76 to 91 are

acceptable; for example there is approximately 2.5 metres between finished floor levels and garden depths are 11 metres. Units 76 and 84 present a 50 metre long blank flanking boundary wall to the main street access to Plot B and this is a very poor elevation, that could be fixed with a house type that turns the corner and presents an active elevation.

12.3.9. Units 1-10 present no particular issues. I note that a nearby property owner objects to the house types proposed and fears a loss of privacy and overshadowing impacts. However, given the house type (bungalow and semidetached two storey house) and the separation distances involved, I anticipate no issues that could impact upon neighbouring property.

12.3.10. The most significant impact from an amended layout resulting from an overall increase in residential density is the inclusion of duplex and apartment units located awkwardly throughout Plot B. Specifically, apartments 111-138 and duplex units 139-146 are located in a space that would be better organised as a single and coordinated public open space. The insertion of these two large blocks brings with it a collection of surface car parking, turning heads, cycle stands, significant changes in level and retaining walls. The result of which is public open space that is fragmented and unusable in the context of Public Open Space 4 and poorly configured and compromised by roads in terms of Public Open Space 2 (Plot B). In addition, I note that the underground car park beneath apartment block H is approached from a street that fronts house units 84-88, but there are no elevation drawings that show how the apartment block will be presented to the street.

12.3.11. Units 11-31 that back onto units 60-75 present a very poor response to dealing with the slope of the site. Typically, there is a finished floor level difference between opposing houses of between 5 and 7 metres and rear gardens are shown as terraced or sloped at 1 in 6. Rear garden depths average around 11 metres, but the cross-section drawings illustrate a remarkably poor relationship between houses. Though overlooking and loss of privacy may not be a significant issue, I am extremely concerned that overshadowing and overbearing appearance would make the rear gardens unusable and an intolerable place to be.

- 12.3.12. Lastly, duplex units 32-59 present blank side elevations to the street, but at least present a more active elevation to Public Open Space 1 and internal semi-private spaces between blocks.
- 12.3.13. I am not satisfied that the layout changes required by the Board are either significant or of a sufficient quality to provide a satisfactory level of amenity for future residents. I find that the applicant has not successfully addressed all of the twelve criteria of the Best Practice Design Manual of the Sustainable Residential Development in Urban Areas. Specifically, the layout design fails to take proper account of the site context insofar as the level changes and degree of slope have not been adequately designed for. Consequently, the layout lacks distinctiveness and the areas of public open space and public realm are poorly configured and do not create people-friendly streets and spaces. The positioning of buildings, particularly apartment block H, duplex K1 and units 11-31 and 60-75 provide very low quality amenity as a result of large areas of retaining wall, significant changes in level and public open space that is fragmented and cluttered. In my view, the layout of Plot B in particular fails to meet the criteria of Context, Distinctiveness, Layout, Public Realm and Privacy/amenity contained in Box 2 of the Sustainable Residential Development in Urban Areas guidelines. As a consequence, and unlike the planning authority I am not minded to suggest changes or amendments to the layout of Plot B by way of condition as I consider the layout to be so far wide of the mark of good urban design principles.
- 12.3.14. In conclusion, I am not convinced that a satisfactory standard of design has been achieved in the proposed development. Whilst a density of 36.8 units per hectare has been achieved on the site, this has been achieved through the imposition of a large apartment block and a number of smaller duplex blocks scattered throughout the development. I am not satisfied that a coherent approach has been taken to achieving an appropriate density of development. The apartment and duplex block amidst public open space are inappropriately sited and incongruous. The extent of cut to facilitate their construction (particularly Block H, K1 and units 11-31/60-75) is significant, resulting in steep embankments and retaining walls which negatively impact on the overall amenity and quality of the development.
- 12.3.15. The provision of open space within the development is often poor. Several of the spaces have limited amenity due to their size and topography. Many open

spaces have poor passive surveillance, are surrounded by roads, in some instances blank walls and punctuated by turning heads and car parking. In this regard, I consider that the proposal is a substandard form of development and contrary to the proper planning and sustainable development of the area.

12.4. Residential Amenity

- 12.4.1. The applicant has submitted a variety of architectural drawings, computer generated images and photomontages. I am satisfied that an appropriate level of information has been submitted to address issues to do with residential amenity.
- 12.4.2. Dwelling Houses - The applicant has submitted a Schedule of Accommodation, that outlines the floor areas associated with the proposed dwellings. There are no section 28 guidelines issued by the minister with regard to the minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled Quality Housing for Sustainable Communities. Table 5.1 of the best practice guidelines sets out the target space provision for family dwellings. The applicant has provided internal living accommodation that meets or exceeds the best practice guidelines. In most cases, at least 22 metres separation distance between opposing first floor windows has been provided and in some cases, more. To preserve privacy, bathroom windows are fitted with obscure glazing. In other locations where the gable ends of some house types are closer, such as house type 'E' and 'M1', the gable is a blank facade and this is satisfactory.
- 12.4.3. In terms of private open space, garden depths are provided at between 8 and 15 metres or more, in most cases and according to the drawings provided by the applicant result in a minimum of 64 sqm across all house types and up to 371 sqm in one case. In reality, the rear gardens associated with dwellings vary in shape and area and provide an ample amount of private amenity space. However, though the rear gardens to the proposed houses provide an ample amount of private open space, a large proportion of rear gardens are unacceptably terraced or sloped. In particular units 11-31 and 60-75 have steeply sloped (1-6) or terraced rear gardens that would result in overshadowing and overbearing appearance. I note that there are level changes throughout this scheme and a change in level of between 2-3 metres between finished floor levels is tolerable. However, the level changes

between units 11-31 and 60-75 are between 5 and 7 metres and this is unacceptable.

12.4.4. Apartments - The proposed development comprises 105 apartments and as such the Sustainable Urban Housing: Design Standards for New Apartments 2018 has a bearing on design and minimum floor areas associated with the apartments. In this context, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The apartments are arranged in two blocks and eight duplex blocks, the buildings heights range between three and four storeys, and apartment block H includes an underground car park. The apartments are provided with external balcony spaces or private gardens, all to an acceptable space standard. The unit mix of apartments are uniformly distributed throughout the site and are provided with adequately sized public and semi-private open space and play areas.

12.4.5. The applicant has failed to identify the relevant guidelines in relation to apartment units and minimum standards. The correct guidelines in the design of apartment units is the Sustainable Urban Housing: Design Standards for New Apartments 2018. Each drawing sets out how apartment units compare to the minimum standards, however, each table refers to the standards that relate to the Quality Housing and Sustainable Communities guidelines. This is problematic because the minimum standards for apartments are slightly different to the more recent and relevant guidelines. Specifically, the applicant refers to a two bedroom three person unit of 63 sqm, where in reality this class of unit does not exist under SPPR 3. However, sections 3.6 and 3.7 of the Sustainable Urban Housing guidelines do allow for a certain proportion of this 63 sqm unit, but not more than 10% of the total number of units proposed. In this instance, 28 out of the 105 apartment units are the three person unit but which amount to on average 74 sqm. In addition, when taken as a proportion of the overall number of units proposed (217 units), the total amount of this sub-class of two bedroom unit would equal 13%, contrary to the guidelines. I note that the floor areas of the three person two bedroom units are all in excess of 74 sqm and given that most other units are also in excess of the minimum floor areas by more than 10%, I am satisfied that the floor areas of each apartment unit are acceptable, despite the anomaly of section 28 guideline application.

12.4.6. Apartment units are mostly dual aspect units with only six units in apartment block H as single aspect. Single aspect apartments account for much less than 50%,

generally have favourable orientations and with none receiving north light alone. The proposed development provides 12% one bedroom units, which is less than the upward amount of 50% allowed for in the guidelines. All ground floor, floor to ceiling heights are 2.7 metres (upper floors are 2.4 metres) in height and a maximum of 4 units are served per core. Specific Planning Policy Requirements (SPPRs) 1, 4, 5 and 6 are therefore met.

- 12.4.7. Under the Guidelines, the minimum GFA for a 1 bedroom apartment is 45 sq.m, the standard for 2 bedroom apartment (3-person) is 63 sq.m (but limited to 10% of total units), the standard for a 2 bedroom (four-person) apartment is 73 sq.m, while the minimum GFA for a 3 bedroom apartment is 90 sq.m. The applicant states that this has been achieved in all cases and has been demonstrated in the Accommodation Schedule that accompanies each drawing for apartments submitted with the application. Apartments larger than the minimum standards by 10% amount to most of units provided, with all in excess of the minimum. The proposed apartments are therefore in excess of the minimum floor area standards (SPPR 3), with very few close to the minimum requirements. Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded. In broad terms, I am satisfied that the location and layout of the apartments are satisfactory from a residential amenity perspective.
- 12.4.8. I note that Apartment Guidelines, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application and details long term maintenance and running costs. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.
- 12.4.9. The applicant's Material and Detail Statement outlines the proposed materials for houses, duplex units and the apartment blocks. The predominant material choice is a white brick / coloured render / buff brick, coloured clad screens, grey aluminium windows and doors, and metal entrance canopies. The majority of the finishes proposed are durable, attractive and suitable for the area in terms of visual amenity, in broad terms the finishes proposed are acceptable.

12.4.10. Local Residents – I note that local observers have expressed concerns about the development of the site at the scale envisaged, and some strong opposition in relation to direct residential amenity concerns to residences along the minor country road to the north of the site. The planning authority echo the issues raised by residents to the north of the site and recommend conditions to mitigate impacts through the omission of two storey houses in favour of single storey houses on sites 1-18 (Plot A2) and units 1-4 (Plot B). The issue at stake for residents along the northern boundary of the site is that due to a change in level and the inclusion of two storey houses, this will lead to issues of overshadowing and overlooking. As I have already set out in this report with regard to the layout of the scheme, the applicant has maintained generous separation distances between existing and proposed dwellings and first floor windows that light bathroom and landing will be fitted with obscured glazing. I see no reason to replace the proposed houses with single storey alternatives, as I am satisfied that no adverse overshadowing or overlooking issues will result to the occupants of properties to the north.

12.4.11. A number of residents have raised significant issues in relation to impacts upon the residential amenity of existing property as a result of pump station failures. I agree that problems with sewerage infrastructure would result in a loss of amenity particularly if flooding of gardens is involved. However, this matter is dealt with in detail under the infrastructure section of my report.

12.4.12. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority, I am not satisfied that the entire development as proposed by the applicant will provide an acceptable level of residential amenity for future occupants. For the most part, Plots A1 and A2, of the proposed development have been designed to preserve the residential amenities of nearby properties and will enhance the residential amenities associated with the existing housing estate. However, I am not satisfied that the design approach in relation to Plot B has yielded the optimal standard of residential amenity for future occupants and should be refused permission.

12.5. **Traffic and Parking**

12.5.1. Traffic – most observers and local residents are concerned about the existing traffic situation in the area. Concerns centre around existing traffic congestion and likely

increase to traffic volumes that existing and proposed development will bring. The planning authority raise concerns at the likelihood of traffic congestion on the Fethard Road and seek a special contribution for a mini-roundabout to replace the existing 'T' junction.

12.5.2. The applicant has submitted a Traffic and Transport Assessment (TTA). In summary, the applicant is satisfied that the traffic generated by the proposed development can be accommodated on the existing road network and no improvements are necessary. The planning authority are apprehensive about the capability of the existing junction to cope with the increase in traffic and require a mini-roundabout. Whilst a mini-roundabout may make manoeuvring on an off the Fethard Road easier for vehicles, it would not necessarily encourage or facilitate a shift away from private motor cars to other more sustainable modes of transport, such as walking or cycling. This is because a roundabout, if not properly designed, places motor vehicles ahead of more vulnerable road users, in this respect DMURS is instructive.

12.5.3. I am not convinced that the generation of traffic that would arise from the development when fully complete would necessitate the construction of a mini-roundabout and the applicant's TTA confirms this. In the absence of a meaningful public transport network in the immediate vicinity of the site, it would be preferable to concentrate on improving pedestrian/cyclist connections and facilities. This may include either signalised junctions or pedestrian crossings at some time in the future, but not in my mind a roundabout to facilitate traffic movements in and out of the development on to the Fethard Road.

12.5.4. Car parking – The applicant has proposed 378 car parking spaces in a combination of in-curtilage, on-street and basement car parking, the breakdown of spaces is as follows:

- Plot A1 – 17 surface car parking spaces.
- Plot A2 – 79 surface car parking spaces, of which 20 are assigned to visitors.
- Plot B – 282 car parking spaces, of which 52 are assigned to visitors, drawings indicate an underground car park for apartment H.

The planning authority note that there is an adequate provision of car parking spaces. The applicant has proposed the quantum of car parking spaces to reflect the

requirements of the development plan. Every unit has at least one car parking space and visitors are accommodated too. The site is located to the north of Clonmel town centre, good footpaths and cycleways connect the site to the town and public transport alternatives are located nearby. Clonmel train station with its limited service is 1.3km south of the site. I am satisfied that the quantum of car parking is satisfactory, given the greenfield suburban location of the site, the limited availability of easily accessible and proximate public transport and with the alternatives offered by the existence of good pedestrian and cyclist facilities already in place.

12.5.5. I am slightly concerned about some of the drawings submitted by the applicant that show an underground car park beneath apartment block H. Plan drawings show a vehicular entrance to the downhill or eastern side of the apartment block, but none of the elevations detail how this entrance would appear as viewed from the street. This is more of an urban design and streetscape issue, but the lack of detail submitted by the applicant is of a concern.

12.6. Infrastructure

12.6.1. Foul drainage - Foul drainage from the development will be collected by existing infrastructure. According to the applicant's Engineering Report, an existing pump station services a section of the site and private houses north of Plot A2. It is stated that the pump station will no longer be required for Crann Ard Estate as sections of new sewer infrastructure will be laid to facilitate Plot A2. The report goes on to state that the pump station will continue to serve the existing 10 houses north of the site. As the loading on the pump station will reduce there is no requirement for a holding tank or other works. It is stated that the maintenance of the pump station is carried out by the applicant at present.

12.6.2. The planning authority note that additional surface water enters the foul sewer system and cause problems for the existing pump station. The ongoing issues cannot be resolved due to surveying difficulties and a lack of understanding as to the cause of the problems. Observers have also raised issues concerning the pump station and its failure to operate adequately resulting in frequent blockages and flooding to property. IW note that the proposed development discharges to a 225mm public sewer and upgrading of the network for 700 metres is required, at a cost to the developer.

- 12.6.3. The existing pump station is not fit for purpose and cannot cope with the loads it must deal with at present, this appears to result from surface water ingress from time to time. I note that the proposed development will divert foul waste from Crann Ard to the public network, the pump station will then only be required to serve the existing 10 houses north of the Plot A2. The problem of the defective pump station would appear to be solved, as loading will be reduced, and the issue of surface water ingress can theoretically be eliminated. However, observers fear that the developer will no longer maintain the pump station and this will lead to ongoing inconvenience and potential public health problems.
- 12.6.4. From the information on the file, I can see that the pump station has been a significant and ongoing issue for residents. The proposed development will sort things out for the existing and future residents of Crann Ard but I am uncertain about the future of the 10 properties that will remain tied to the pump station. This matter needs to be resolved before any new unit is occupied. Though the issue does not merit the basis for an individual reason for refusal; the matter should be addressed by condition to ensure that the pump station is brought up to standard or maintained in such a manner to ensure it continues to carry out the function for which it was originally installed. The applicant should prepare a technical assessment of the pump station together with measures to either upgrade and/or maintain the infrastructure, together with an undertaking to carry out or pay for the works required if any.
- 12.6.5. Water Supply – no water supply capacity issues have been identified by Irish Water (IW). The upsizing of the water main supply to 150mm is required but this work will be carried out by IW and the costs borne by the developer.
- 12.6.6. Surface Water – the management of surface water for the site is outlined in the applicant’s Engineering report and comprises a combination of on site infiltration systems within the curtilage of each house, utilisation of the existing surface water network and attenuation basins/tanks and the installation of new infrastructure. The planning authority require clarification regarding the technical specifications of in curtilage systems and this may be to do with taking in charge concerns. In particular the installation of an infiltration trench to the rear gardens of units 1-18 (Plot A2), presents access and maintenance issues, a concern also raised by property owners

to the north. The matter could be addressed by an alternate and more accessible system.

- 12.6.7. Both the applicant and the planning authority raise no concerns over flood risk. A brief analysis of flood risk by the applicant concludes that there is limited potential for pluvial flooding, the site is located in Flood Zone C and therefore suitable for residential development. I am satisfied that the surface water management proposals are acceptable and there is limited likelihood of flooding on or off the site.

12.7. Conclusion

- 12.7.1. In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an established area close to the services and facilities of Clonmel town centre. An appropriate development on this site has the potential to add to the provision of quality housing stock within the area. However, notwithstanding this, I have serious reservations in relation to the proposal before me, in terms of quality of the layout, landscape design and successfully dealing with slope and gradient. The site has a variety of constraints, mostly to do with Plot B in particular and the degree of slope. The application has changed significantly on foot of the points raised in the Section 5 pre-application consultation opinion. However, I consider the lack of a coherent strategy to deal with the topography of the site whilst at the same time increasing residential density, to be a singular failing of the overall design. The layout and design of the proposal is considered to be of poor quality and if permitted would not provide the standard of development put forward within the various section 28 guidelines, in particular the Urban Design Manual and the 12 criteria contained therein. The size of the site is such that it could create its own character and become a very attractive place in which to reside. This is not being achieved in the current proposal, in my opinion. The issues raised in relation to surface water drainage matters and the problems associated with the existing pump station are also highlighted to the Board. Permission should be refused.

13.0 Recommendation

- 13.1. Section 9(4) of the Act provides that the Board may decide to:
- (a) grant permission for the proposed development.

- (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
 - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
 - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

13.2. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission is REFUSED for the development, for the reasons and considerations set out below.

14.0 **Draft Recommended Order**

Planning and Development Acts 2000 to 2019

Planning Authority: Tipperary County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 25th day of October 2019 by Crann Ard Developments Ltd, 51 Dawson Street, Dublin 2.

Proposed Development:

The construction of 217 residential units, ranging in height from 1 to 4 storeys. A Step Down Housing/Assisted Living facility includes a community room, concierge office, laundry room and storage / mobility equipment storage.

The breakdown between houses and apartments is as follows:

- 112 houses
- 105 apartments (including duplex units and 36 assisted living units)

The unit breakdown comprises:

- 2 – four bed houses

- 83 – three bed houses
- 27 – two bed houses
- 26 – one bed apartments
- 61 – two bed apartments
- 18 – three bed apartments

The development includes 378 car parking spaces, 242 bicycle parking spaces, the extension of existing streets and the provision of additional public open spaces.

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. The Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, includes key criteria such as Context, Distinctiveness, Layout, Public Realm and Privacy/amenity. The proposed development, by reason of its form and layout and in particular the inappropriate design responses to changes in level, would be contrary to the section 28 Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual.

It is considered that the development as proposed results in a poor design concept, lacks variety and distinctiveness, fails to establish a sense of place, and includes a poor quality of architectural and landscape design that fails to respond appropriately to the topography of the site. Furthermore, the development does not provide high quality and usable open spaces, fails to facilitate adequate and appropriate passive surveillance of all green spaces and provides poorly configured private amenity spaces in many cases, all of which would lead to conditions injurious to the residential amenities of future occupants.

The proposed development would, therefore, be contrary to these Ministerial Guidelines which promote innovative and qualitative design solutions, would seriously injure the residential amenities of future occupants and would be contrary to the proper planning and sustainable development of the area.

Stephen Rhys Thomas
Senior Planning Inspector

30 January 2020